

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Mail Stop AF
)	
Donald C. JACKSON et al.)	Group Art Unit: 2616
)	
Application No.: 09/687,484)	Examiner: M. Phan
)	
Filed: October 13, 2000)	
)	
For: LOCALIZED VOICE OVER)	
INTERNET PROTOCOL USAGE)	

U.S. Patent and Trademark Office
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants hereby request that a panel of Examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an Appeal Brief. Applicants assert that the outstanding rejections are clearly improper and based upon errors in fact.

Claims 1-8, 16-22, and 25-68 remain pending, of which claims 42-66 have been withdrawn from consideration by the Examiner. Claims 1, 6, 16-19, 22, 27-31, 34, 35, 67, and 68 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. (U.S. Patent No. 6,654,722) in view of Subramaniam et al. (U.S. Patent No. 6,070,187). Claims 2-5, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. in view of Subramaniam et al. and Brown et al. (U.S. Patent No. 6,604,075). The Examiner objected to claims 20, 21, 25, 26, 32, and 33 as dependent upon a rejected base claim that would be allowed if rewritten in independent form to include the features of the base claim and any intervening claim. The Examiner allowed claims 36-41. Applicants submit that the Examiner's rejections under 35 U.S.C. § 103 are incomplete and based on factual errors.

In paragraph 9 of the final Office Action, the Examiner rejected claims 1, 6, 16-19, 22, 27-31, 34, 35, 67, and 68 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al. in view of Subramaniam et al. Applicants respectfully traverse the rejection and submit that the rejection is *incomplete* and based on *factual errors*.

For example, Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, do not disclose or suggest a call that is transmitted as a data stream of uncompressed data

from a gateway to a network server, as required by independent claim 1. Instead, Aldous et al. specifically discloses a VoIP telephony gateway server that receives audio signals, digitizes the audio signals into digitized audio data, compresses the digitized audio data into VoIP-compliant packets, and transmits the VoIP-compliant packets to at least one speech server through the VoIP communications path using the VoIP protocol (col. 2, lines 46-52). Subramaniam et al. does not disclose or suggest a call and, therefore, cannot disclose or suggest a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1.

The Examiner alleged "as admitted by the prior art shown in Figs. 1 & 2, the essentially uncompressed transmission of the data packets from the communication terminal device to the data compression device can usually be ignored or at least accepted" (final Office Action, pages 4-5). Applicants submit that nothing in Applicants' specification with regard to Figs. 1 and 2 supports the Examiner's allegation. Additionally, the Examiner's allegation does not address the claimed feature of a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1. Therefore, the Examiner's rejection is *incomplete* and *falls short of establishing a prima facie case of obviousness* with regard to claim 1.

The Examiner also alleged that "data packets which are to be transmitted are transmitted from the communication terminal device in essentially uncompressed form via the first communication network to a data compression device, in order to be compressed before being forwarded into the second communication network" (final Office Action, page 5). Applicants submit that the Examiner's allegation finds no support in any of the references applied by the Examiner or in the Background of the Invention section of Applicants' specification. Additionally, the Examiner's allegation does not address the claimed feature of a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1. Therefore, the Examiner's rejection is *incomplete* and *falls short of establishing a prima facie case of obviousness* with regard to claim 1.

The Examiner further alleged that the "sampling values are transmitted within the data packets DP in uncompressed form from the communication terminal device KE via the local area network LAN to the gateway GW" (final Office Action, page 5). Applicants submit that the Examiner's allegation finds no support in any of the references applied by the Examiner or in the Background of the Invention section of Applicants' specification. Nevertheless, the Examiner's allegation *does not address the claimed feature* of a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1. Therefore, the Examiner's rejection is *incomplete* and *falls short of establishing a prima facie case of obviousness* with regard to claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 16-19 depend from claim 1 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 1. Because of the deficiencies in the Examiner's rejection under 35 U.S.C. § 103, the rejection of claims 1 and 16-19 must be withdrawn.

Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, also do not disclose or suggest a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls, as required by independent claim 6.

The Examiner alleged that Aldous et al. discloses a PSTN-to-IP gateway (VoIP telephony gateway server 3) and a network server (web server 7) in communication with a network medium (VoIP network 4) for automated interaction with a user (telephone device 1) participating in the call (final Office Action, page 10). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that web server 7 is located in close physical proximity to VoIP telephony gateway 3. Subramaniam et al. also does not disclose or suggest a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls, as required by claim 6.

The Examiner did not address this feature of claim 6 and, therefore, did not establish a prima facie case of obviousness with regard to claim 6.

For at least these reasons, Applicants submit that claim 6 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Because of the deficiencies in the Examiner's rejection under 35 U.S.C. § 103, the rejection of claim 6 must be withdrawn.

Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, also do not disclose or suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls, as required by independent claim 22.

The Examiner alleged that VoIP gatekeeper 14 corresponds to a proxy server (final Office Action, page 10). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that VoIP gatekeeper 14 allows or disallows calls based on a telephone number associated with the calls, as would be required by claim 22. Subramaniam et al. also does not disclose or

suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls, as required by claim 22.

The Examiner did not address this feature of claim 22 and, therefore, did not establish a prima facie case of obviousness with regard to claim 22.

For at least these reasons, Applicants submit that claim 22 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 27 and 28 depend from claim 22 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 22. Because of the deficiencies in the Examiner's rejection under 35 U.S.C. § 103, the rejection of claims 22, 27, and 28 must be withdrawn.

Independent claim 29 recites features similar to, but possibly different in scope from, features recited in claim 6. Claim 29 is, therefore, patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 6. Claims 30, 31, 34, 35, and 68 depend from claim 29 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 29. Because of the deficiencies in the Examiner's rejection under 35 U.S.C. § 103, the rejection of claims 29-31, 34, 35, and 68 must be withdrawn.

Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, also do not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server, as required by independent claim 67. The Examiner alleged that Aldous et al. discloses a PSTN-to-IP gateway (VoIP telephony gateway server 3) and a network server (web server 7) in communication with a network medium (VoIP network 4) for automated interaction with a user (telephone device 1) participating in the call (final Office Action, page 10). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting VoIP telephony gateway 3 to web server 7, as would be required by claim 67. Subramaniam et al. also does not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server, as required by claim 67.

The Examiner did not address this feature of claim 67 and, therefore, did not establish a prima facie case of obviousness with regard to claim 67.

For at least these reasons, Applicants submit that claim 67 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Because of the deficiencies in the Examiner's rejection under 35 U.S.C. § 103, the rejection of claim 67 must be withdrawn.

In paragraph 10 of the final Office Action, the Examiner rejected pending claims 2-5, 7, and 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al., in view of Subramaniam et al., and Brown et al. Applicants respectfully traverse the rejection.

Claims 2-5 depend from claim 1, and claims 7 and 8 depend from claim 6. Without acquiescing in the Examiner's rejection with regard to claims 2-5, 7, and 8, Applicants submit that the disclosure of Brown et al. does not cure the deficiencies in the disclosures of Aldous et al. and Subramaniam et al. identified above with regard to claims 1 and 6. Claims 2-5, 7, and 8 are, therefore, patentable over Aldous et al., Subramaniam et al., and Brown et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 1 and 6.

In view of the foregoing remarks, Applicants submit that clear deficiencies exist with respect to the rejections of claims 1-8, 16-19, 22, 27-31, 34, 35, 67, and 68. Therefore, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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